



## DOJ Environmental Justice Enforcement Policy Gives Teeth To Biden Pledge

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On President Biden's inauguration day and in several subsequent policy statements, the Biden administration has made clear that enhanced environmental enforcement in "overburdened communities" would be key part of its environmental justice policy. Executive Order 13985 directed all federal agencies to advance racial equity and support for overburdened communities and Executive Order 14008 directed the Environmental Protection Agency (EPA) to strengthen enforcement in communities disproportionately affected by pollution.

In April 2023, the Biden Administration announced a further Executive Order to [revitalize the nation's commitment to environmental justice for all](#), which [reaffirmed](#) that: "It is the policy of my Administration to pursue a whole-of-government approach to environmental justice."

The EPA, the traditional vanguard for environmental justice, has used recent funding increases to hire staff for civil and criminal enforcement, improve mapping tools to identify disadvantaged communities, and substantially expand inspections of regulated entities in overburdened communities. The EPA's recently finalized [National Enforcement and Compliance Initiatives](#) also confirm that "environmental justice concerns have been built into every initiative to protect vulnerable and overburdened communities."

In May 2022, the U.S. Department of Justice established its own program to support environmental justice enforcement policy, which it dubbed the

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[“Comprehensive Environmental Justice Enforcement Strategy.”](#) The strategy was created in coordination with the EPA to provide a roadmap for using the Justice Department’s civil and criminal enforcement authorities to “advance environmental justice through timely and effective remedies for systemic environmental violations ... and for injury to natural resources in underserved communities that have been historically marginalized and overburdened.”

This strategy applies four principles to guide environmental justice enforcement: prioritize cases that will reduce public health and environmental harms to overburdened and underserved communities; make strategic use of all available legal tools to address environmental justice concerns; ensure meaningful engagement with impacted communities; and promote transparency in environmental justice enforcement.

On Oct. 13, the DOJ released its [first annual report](#) on progress made implementing its environmental justice enforcement strategy. In remarks to the American Bar Association Section of Environment, Energy, and Resources announcing the release of that report, Assistant Attorney General Todd Kim [affirmed DOJ's central role](#) in the pursuit of the administration’s ambitious environmental justice goals. This past year, the DOJ has appointed an environmental justice coordinator in each of the 94 U.S. Attorneys’ offices, has increased “capacity-building” and training, and has extensively engaged with Tribal and other communities to help effectuate the strategy.

The DOJ report also chronicles several enforcement successes, including 1) a lawsuit to address the drinking water crisis in Jackson, Mississippi, 2) a lawsuit to curb harmful air pollution from a plastics plant in Louisiana, 3) an agreement with New York City to clean up radioactive materials on city-owned property, and 4) an “interim resolution agreement” for its “first-ever” Title VI environmental justice investigation. The report also lists several civil and criminal cases concluded by U.S. Attorney’s offices across the country, ranging from illegal dumping in overburdened communities to falsification by a coal mine of respirable coal dust samples to avoid enforcement by OSHA.

As a key partner of the EPA and other agencies with roles in protecting the environment, the effort represented by DOJ’s adoption and vigorous pursuit of its environmental justice enforcement strategy is noteworthy and promises continued advancement of the administration’s environmental justice goals.